IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

OP.No. 18023 of 2002(U)

PETITIONER:

RAJU SREEDHARAN, AGED 35 YEARS,
S/O.SREEDHARAN, KIZHEKKEVILA VEEDU,
THAZHUTHALA, KOTTIYAM P.O., KOLLAM.

BY ADV. SRI.S.R.MANOJ

RESPONDENTS:
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1. THE DISTRICT REGISTRAR, KOLLAM.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE DEPUITY TAHSILDAR,
REVENUE RECOVERY, KOLLAM.

BY SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 18023/2002

ORDER ON CMP NO.30723/2002 IN O.P.NO. 18023/2002

DISMISSED.

05/12/2007 SD/-(C.N.RAMACHADNRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE ORDER DATED 30/08/1997 BEARING NO.KTYM 79/97 OF THE RESPONDENT.

P2 : COPY OF THE NOTICE DATED 25/09/2002 ISSUED BY THE SUB REGISTRAR, KOTTIYAM.

P3 : COPY OF THE DEMAND NOTICE DATED 26/04/2002 ISSUED by the 3RD RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 18023 of 2002

Dated, this the 5th day of December, 2007

J U D G M E N T

Petitioner is challenging recovery proceedings for recovery of differential stamp duty for the purchase of property effected by the petitioner. Even though petitioner has stated in the original petition that CMA is filed against adjudication order before the District Court, petitioner has filed this original petition contending that demand is raised in violation of order in CMA. Even though counter affidavit is filed, there is no mention about filing of appeal against original adjudication by the petitioner before the district court. Petitioner neither produced copy of the order of the district court nor given the number of the CMA. If appeal is filed before the district court against adjudication order, then recovery has to be based on order of the district court in appeal. Similarly, if the matter is remanded by the district court, 1st respondent is bound to issue revised order. This original petition is, accordingly, closed directing respondents to follow the directions of the civil court in appeal, if any filed by the petitioner. However, if petitioner does not produce copy of the judgment or order by the civil court, respondents are free to proceed with recovery.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg